

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ARZELL WILKERSON,)	
)	
Plaintiff,)	
)	
v.)	
)	
CAPITAL ONE BANK,)	CASE NO. 2:05-CV-1192-WKW
)	
Defendant / Third-Party Plaintiff,)	
)	
v.)	
)	
ANTHONY WILKERSON,)	
)	
Third-Party Defendant.)	

ORDER

Before the court is the Notice Regarding Status and Motion (Doc. # 29), in which the third-party plaintiff moves the court to remove the case from the July 23, 2007 trial calendar and requests leave to submit proof of damages under seal. It is ORDERED that:

1. The motion to remove the case from the trial calendar is GRANTED;
2. The trial and pretrial conference are CANCELLED;
3. Leave is GRANTED for the third-party plaintiff to file proof of damages UNDER SEAL contemporaneoulsy with its motion for default judgment, which shall be filed **on or before June 20, 2007**. In light of the third-party defendant's failure to appear, proof of damages and affidavit may be sufficient to determine the amount of judgment, and a hearing may not be necessary.

As such, the filing of the proof of damages under seal shall not be in lieu of proper service on the third-party defendant.

DONE this 24th day of May, 2007.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE